



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer Direct: (518) 776-2293

June 8, 2023

Hon. Therese Wiley Dancks (*via CM/ECF filing*)
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse, NY 13261-7346

Re: *Young America's Foundation et al v. Stenger et al*
Northern District of New York – 20-cv-822 (LEK/TWD)

Dear Judge Dancks:

This office represents Defendants John Pelletier, Brian Rose and Harvey Stenger (“State Defendants”). This letter is a status report in accordance with the Court’s Text order at Dkt. 246.

Counsel have conferred regarding the requests for authorizations which are the subject matter of State Defendants’ motion to compel. The parties have agreed upon search terms. The parties have agreed that former College Republicans’ president John Restuccia will sign an authorization for the search of jrestue1@binghamton.edu for the period August 1, 2019 to December 31, 2019, under the condition that the University provide the e-mails produced by the search to counsel for Plaintiffs, who will then review and provide responsive e-mails to counsel for Defendants.

The parties have also agreed that current College Republicans President Rein Bey will sign an authorization for disclosure of emails dated August 1, 2019 – March 31, 2020, utilizing the same agreed-upon search terms, for the Defendant Student Association-issued College Republicans club e-mail address, republicans@binghamtonsa.org. This e-mail search will be conducted by Defendant Student Association (“SA”) and responsive records will be provided by SA’s attorney to counsel for all parties.

The agreed-upon terms of the e-mail searches are as follows: Plaintiffs will provide an authorization signed by John Restuccia to counsel for State Defendants no later than Friday, June 16, 2023. Counsel for State Defendants will forward the authorization to General Counsel for Binghamton University (“BU”) upon receipt. Following the University’s search of the e-mail address utilizing those search terms, but no later than 2 weeks from receipt of the aforementioned authorization, General Counsel for BU will provide any/all emails that hit on search terms directly to counsel for the CRs, specifically Steve Miller at SMiller@KSLAW.com, and these e-mails will not be copied to or provided to counsel for State Defendants by General Counsel for BU. Counsel for Plaintiff College Republicans will review the emails for responsiveness and produce bates-

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stamped copies any/all responsive emails to all counsel within two weeks of receipt from General Counsel for BU. Plaintiffs' counsel have indicated that they request this measure to protect Mr. Restuccia's personal privacy interests, in the event search terms retrieve purely personal emails.

On June 7, 2023, this office forwarded proposed authorizations to counsel for Plaintiffs. Plaintiffs' counsel have indicated that they are awaiting signed authorizations from Restuccia and Bey.

As such, the undersigned requests that the deadlines for the pending motion to compel be held in abeyance for one week to allow time for the above-referenced authorizations to be received, with a status report (and, once received, withdrawal of the pending motion to compel) to be filed by June 16, 2023.

Thank you for your kind consideration to this status report.

Respectfully yours,

s/ *John F. Moore*

John F. Moore

Assistant Attorney General

Bar Roll No. 105188

cc (via ECF): All Counsel